

FILED 5 JUL '24 10:20USDC-ORP

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

## UNITED STATES DISTRICT COURT

for the

1<sup>st</sup> District of OregonPendleton Division

Case No.

2:24-cv-1105 AA

(to be filled in by the Clerk's Office)

ANDREW MORET

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

CENTURYLINK/ICSOLUTIONS  
TETON RADIOLOGY  
CENTURY LINK  
Or. Dept. of Corrections  
ASSIGNMENTS Cpt. PARKS  
Sgt. JACKSON, K. MAIN  
JOE CAPPS, NFP FRANKS  
NFP CLEMENTS  
WARREN ROBERTS  
TLC individuals  
6 UNKNOWN

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

JURY TRIAL DEMANDED

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Andrew Moret

All other names by which  
you have been known:

Andrew Guy Moret

ID Number

16301890

Current Institution

Eastern Ore. Corr. Inst.

Address

2500 Westgate

Pendleton

OR

97801

City

State

Zip Code

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. **2+**

Name

TETON RADIOLOGY / Legacy Hospital Unkn.

Job or Title (*if known*)

Medical Imaging Office / Hospital

Shield Number

N/A

Employer

TETON RADIOLOGY

Address

4519 Enterprise Way

Caldwell

ID

83605

City

State

Zip Code

☒ Individual capacity ☐ Official capacity

PRIMARY

★ Defendant No. **1.**

Name

CENTURY LINK / IC Solutions

Job or Title (*if known*)

Phone Services Provider

Shield Number

N/A

Employer

(State of Oregon)

Address

2200 Danbury St.

San Antonio

TX

78217

City

State

Zip Code

☒ Individual capacity ☐ Official capacity

BEXAR COUNTY

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## Defendant No. 3

Name

Oregon Dept. of Corrections, SRC1, EOC1

Job or Title (if known)

ODOC-State

Shield Number

N/A

Employer

State of Oregon

Address

2575 Center St NE

Salem

City

OR

State

97301

Zip Code



Individual capacity



Official capacity

## Defendant No. 4, 5, 6, 7, 8, 9, 10, 11-23

Name

Parks Jackson Main K. Capps Joe Franks MFP Clements Ashley Roberts Warren TLC individuals 6 Unknowns

Job or Title (if known)

Or. DOC

Shield Number

-

Employer

State of Oregon

Address

1162 Court St NE

Salem

City

OR

State

97301

Zip Code



Individual capacity



Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

## A. Are you bringing suit against (check all that apply):

Federal officials (a *Bivens* claim)

State or local officials (a § 1983 claim)

## B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

U.S. CONST. AMD. 1<sup>st</sup>, AMD. 8<sup>th</sup>, AMD. 14<sup>th</sup>; PREA;

OR. CONST. Art. I, § 46.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

\* See Declaration of AGM in support of orig. comp.  
 • Private Defendant CENTURYLINK/IC Solutions = State Contractor = no qual. imm.  
 • TETON = No qual. imm.  
 • Individuals citing HIPAA, citing PREA, using State Employment, ODOC discrim. = no 11<sup>th</sup> And. imm.

### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee  
☐ Civilly committed detainee  
☐ Immigration detainee  
☒ Convicted and sentenced state prisoner {wrongfully convicted, falsely imprisoned}  
☐ Convicted and sentenced federal prisoner  
☐ Other (explain) \_\_\_\_\_

### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

SRCI 2022 to present (transferred to EOCl 2/14/2024),  
 EOCl 2024 to present...

C. What date and approximate time did the events giving rise to your claim(s) occur?

- Unconstitutionally restrictive phonesystem 2022 to present, on-going/continual.
- Denial of records 2022 to 2024 June, and 2022 to present for copy of BILL
- Unlawful cell placement 8/8/2022 at approx. 9AM, delib. indiv. same day 8½ hours OC exposure.
- Discrim. based on sex/gender=on going/continual, denial of med. care 2021 to present.

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

\* PLEASE SEE ACCOMPANYING: DECLARATION OF AGM IN SUPPORT OF ORIG. COMP. \*

1. Centurylink/IC solutions is forcing me to use unconstitutional phone systems=overly restrictive.
2. TETON & ODOC is denying me records I am entitled to in retaliation (SRCI included).
3. Parks/Jacksons, ODOC, SRCI placed me into hostile cell situation disregarding PREA assessment; and forced 8½ hours of OC spray exposure on me. K. Main denied me due process on grievance.
4. ODOC & individual TLC and other defendants are discriminating because of my sex/gender by denying urology exams, denying records, and denying me NCHC quality healthcare=community standard.

## V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

- Physical damage to right arm-pit, chemical burns prolonged sadistically, OC spray embolized in skin causing intense pain for 3 days after. 8½ hours of chem. exposure causes days of burning even after decon. shower.
- Physical injury=serious risk of imminent phys danger = mass above perineum not properly diagnosed in 2½ years, deteriorating health, daily pains & trouble living life, abject mortification, host of varying medical issues. EXTREME GMO. DISTRESS; humiliation, fear of death, etc. etc. etc.
- Money damages \$9716.15 BILL, \$200.00 FINE, \$281.00 Breach of Habeas 21cv47239

## VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

+ PROSPECTIVE: -Injunct CENTURYLINK/IC solutions to cease 3<sup>rd</sup> Party registration

- ORDER requested documents be provided to me.

- ORDER immediate urology exam (mass removal).

+ DECLARATORY: Certain Defendants have discriminated; Defendants have viol. PREA; Defendants are restricting phones; Defendants are denying records; other relief court sees as necessary. Expunge DR History. Defendants denied me due process.

+ MONETARY: All monies returned/expunged, Pain & suff./punitive/compensatory/ EMO. DISTRESS money = TBD.

— order any other relief consistent with the Courts' opinion.

**VII. Exhaustion of Administrative Remedies Administrative Procedures**

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

SRCI , EOCI

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

It should cover them all, according to the rule (OAR 291-109-0210(3)), but SRCI grievance office violates due process by restricting the rules arbitrarily and falsely interpreting the meaning of the OAR.

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- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

~~If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?~~

~~☐ Yes~~

~~☐ No~~

- E. If you did file a grievance:

1. Where did you file the grievance?

SRCI , EOCI

2. What did you claim in your grievance?

SRCI: Delib. Indiff. Cruel & Unusual, PREA / EOCI: Records

3. What was the result, if any?

SRCI: Deny / EOCI: pending

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

All appeals attempted, completed, or is futile.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

Futile

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

Tort # L18348201, other torts filed = Not returned by Dr. Admin. Svcs.

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

• Attempted to file PREA complaint with K. Main, was refused access to PREA complaint system for approx. 6 months.

• Sought to settle with State out of court, no response from DOJ.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

### VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☒ Yes x2

☐ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

USCA-9 (APPEAL)

USDC-OR 00477-MO

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- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☒ Yes

☐ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) ANDREW MORET

Defendant(s) BRADFORD TYLER, C. BROWN, CLEMENTS

2. Court (if federal court, name the district; if state court, name the county and State)

USDC - OREGON

3. Docket or index number

2:23-cv-00715-HZ

4. Name of Judge assigned to your case

Hon. Marco Hernandez, Chief Judge

5. Approximate date of filing lawsuit

July 2023

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition.

February 15, 2024

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

Dismissed without prejudice [Doc. 32]

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

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☒ Yes☐ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) Andrew Guy Moret

Defendant(s) Jamie Miller

2. Court (if federal court, name the district; if state court, name the county and State)

Malheur Co. Cir. Ct., HABEAS CORPUS transferred to UMATILLA

3. Docket or index number

① 21 cv 47239 (PWO?), ② 23 cv 05729 (pending.)

4. Name of Judge assigned to your case

① Ben Souede, ② Lung S. Hung, ③ Umatilla Judge - - - -

5. Approximate date of filing lawsuit

① Nov/Dec. 2021 ; ② February 2023

6. Is the case still pending?

☒ Yes☐ No

If no, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

① Habeas Corpus GRANTED - settlement - ENFORCEMENT REFUSED by Souede, Hon.

② Habeas Corpus GRANTED - Pending change of Venue to Umatilla Co.

③ Venue changed - trial set for August 20, 2024 ...

**IX. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

7/2/2024

Signature of Plaintiff



Printed Name of Plaintiff

ANDREW MORET

Prison Identification #

16301890

Prison Address

2500 WestgatePendleton

City

OR

State

97801-9699

Zip Code

**B. For Attorneys**

Date of signing:

\_\_\_\_\_

Signature of Attorney

\_\_\_\_\_

Printed Name of Attorney

\_\_\_\_\_

Bar Number

\_\_\_\_\_

Name of Law Firm

\_\_\_\_\_

Address

\_\_\_\_\_

\_\_\_\_\_

City

State

Zip Code

Telephone Number

\_\_\_\_\_

E-mail Address

\_\_\_\_\_

1 DECLARATION OF ANDREW GUY MORET (AGM)  
2 IN SUPPORT OF ORIGINAL COMPLAINT  
3

4 I, Andrew Guy Moret, declare:

5 1.

6 This Lawsuit is brought to vindicate my basic rights, to receive necessary records,  
7 and to receive medical care because of an **imminent danger of serious physical injury**,  
8 and to get phone access to the medical community, my family, friends and others.

9 2.

10 It is Defendants' general policy to deny me records I should be entitled to.

11 3.

12 It is Defendants' general policy to discriminate on the basis of sex and deny  
13 medical care to me because of my male body/gender.

14 4.

15 It is Defendants' general policy to deny me phone communication to outside  
16 parties who have not registered to the CenturyLink/IC Solutions System. And the  
17 forced registration system is unconstitutionally punishing people who are not in

1 prison. Therefore, it is chilling me, chilling the general public away from me, and  
2 chilling my friends and family away from me.

3 5.

4 ODOC, CenturyLink/IC Solutions, and Unknown Defendants' are unlawfully  
5 preventing me from telephonic phone access to 3<sup>rd</sup> Parties. Defendants have  
6 instituted a forced registration system requiring 3<sup>rd</sup> parties (people outside the  
7 prison system), to "register" with CenturyLink *before* they can receive a call from  
8 me. This system is an **abuse of power**.

9 6.

10 Defendants prevent me from being able to call any 3<sup>rd</sup> party medical providers,  
11 such as TETON RADIOLOGY or a private medical examiner, thereby preventing me  
12 from seeking "cost of care treatment" from any source outside ODOC. In addition,  
13 ODOC won't give me the community standard of care established by the National  
14 Commission on Correctional Health Care (NCCHC). I desperately need to contact  
15 people for medical care, to let them know about the imminent danger, and to call  
16 friends and family, and I can't.

7.

Defendants' restrictive "3<sup>rd</sup> party phone registration system" is unconstitutional, and was lifted during the pendency of *Moret v Brown*, 6:20-cv-01757-MO (USDC-OR 2022) (Suit was dismissed without a ruling on phone registration system's constitutionality). A few months after that lawsuit was dismissed, the ODOC returned to restricting outside parties through forced phone registration. Returning to a restrictive phone system was done in bad-faith, a retaliation.

8.

The overly restrictive phone registration system contributes to my physical and mental harms by preventing outside care and exacerbating emotional distress.

9.

Defendants' phone registration system is preventing me from contacting the general public and the Courts, denying due process. And, it is ever-present, enforced from at least 2022 to today.

10.

**\*IN TRIAL**, Plaintiff will show Defendants' phone registration system is unconstitutional.

11.

Unknown [Legacy] Hospital, Oregon Department of Corrections (ODOC), Joe Capps, and UUnknown Defendants are refusing to provide me a copy of a BILL that the ODOC is forcing me to pay. They won't even *show* me the BILL:

a. The BILL in question is supposedly \$9716.15 for charges from [Legacy]

Hospital stemming from disciplinary report # DR 2208 SRCI 0051 SRCI 17

b. Policy requires the Government to disclose, and they have an easy

mechanism to do so, yet Defendants refuse: OAR 291-037-0020.

c. Defendants improperly cite HIPAA as a reason not to disclose records but

HIPAA doesn't prevent disclosure. 42 C.F.R. § 403.812 \_ 47 FR 32390-01 \_ 45

C.F.R. § 164.512l

d. It is a *hornbook* concept of contracts/commercial law = anyone who is made

to pay a bill should be able to *see* the actual BILL.

e. There is absolutely no reason Defendants cannot simply **REDACT** the

personal information of Matthew Irwin, AIC # 21770008 and provide the

BILL. U.S. ex rel. Camillo v. Ancilla Systems, Inc., 233 F.R.D. 520 (USDC S.D.ILL.

2005) "...there is no reason to believe that Plaintiff would abuse the

documents."

12.

Assignment Captain Parks, SRCI, Unknown Defendants, on 8/8/2022 at approx. 9am, knowingly or with deliberate indifference, placed me into a hostile cell situation with self-proclaimed sex-offender Matthew Irwin AIC # 21770008. This was done in violation of my SRCI-ODOC PREA assessment. And, it caused disciplinary report # DR 2208 SRCI 0051 SRCI 17.

13.

8/8/2022 9am, The unlawful cell placement caused a violent altercation forcing me to defend myself upon pain of rape and/or death. It caused physical harm to my right armpit, and it cause me being covered in OC spray all over my head, chest, face, shoulders, etc. creating manifold pains.

14.

8/8/2022 9am-5:30pm, I was left exposed to OC Spray for 5approx. [Eight and a Half hours] without a decontamination shower. Defendants, Cpt. Parks, Sgt. Jackson, Ofc. Vandyke, Ofc. Brooks, Ofc. Negrete had plenty of opportunities to give me a decontamination shower but refused. I repeatedly asked for a decontamination shower. They reported that they were "under orders" to "not

1 give" me a "decontamination shower". Some said these orders came from "the  
2 Sergeant", some said "the Captain". This was sadistic, cruel and unusual.

3 15.

4 My due process was violated when I was adjudicated guilty unlawfully by hearings  
5 officer Joe Capps in disciplinary report # DR 2208 SRCI 0051 SRCI 17 and in the  
6 connected Addendum hearing, both taking place in August, 2022.

7 16.

8 I grieved the incident and the refusal to let me see the BILL. I was denied DUE  
9 PROCESS by Defendant K. Main. I believe the BILL will mitigate damages, and likely  
10 show my innocence in disciplinary report # DR 2208 SRCI 0051 SRCI 17.

11 17.

12 \* **IN TRIAL**, Plaintiff will show Defendants are refusing to disclose this BILL  
13 unlawfully. Plaintiff will show he was placed in a hostile cell situation unlawfully  
14 and subjected to cruel and unusual punishment.

15 18.

16 TETON RADIOLOGY, ODOC, and Admin. Defendants are refusing me access to my  
17 own personal medical records, specifically, copies of medical images taken of my  
18 body:

- 1 a. An Ultrasound Examination was performed by SRCl on 6/8/2022 by  
2 Unknown Defendant, which imaged a painful mass in my groin by taking at  
3 least three images. Only two images were provided to me after Plaintiff  
4 prevailed in FOIA Action (2:23-cv-00715-HZ, see Doc. [14] Exh. 2.6-7). There  
5 is at least one other image of this examination and/or a video recording  
6 being withheld.
- 7 b. An X-RAY Examination was performed at SRCl on 3/23/2023 by SRCl  
8 Unknown Defendant where x3 images of my thoracic/abdominal region  
9 were taken. Three X-RAY images were briefly shown to me by Defendant  
10 NFP Franks on a computer screen. Defendants have since refused to provide  
11 me copies, and have refused to show the images to me again.
- 12 c. A CAT scan was performed at TETON RADIOLOGY on 1/22/2024 by Unknown  
13 Defendant. No medical images were shown or provided to me. All requests  
14 for images have been refused by Defendants. The CAT scan report is being  
15 questioned as a forgery via Institution grievance-*pending*.
- 16 d. An X-RAY was performed on 6/19/2024 by unknown EOCl employee. The  
17 medical images were shown to me, but the images are being withheld.
- 18

19.

ODOC, SRCI, and EOCI has provided some medical images to me at different times.

But they are refusing others. The denial of records is a retaliation and has no penological purpose. Also, the OAR regulating AIC medical records provides for free copies of medical records to be delivered to AIC. OAR 291-124-0100 (X-RAY images can be provided on regular paper avoiding “x-ray film” or they can be freely shown to me by provider.)

20.

**\*IN TRIAL**, Plaintiff will show Defendants’ denial of records is unlawful and contributing to false medical diagnosis, including pain, harm, imminent danger of serious physical injury, and the denial of necessary medical care.

21.

ODOC, Chief Medical Officer Warren Roberts, and Individual TLC members, and Unknown Defendants are discriminating against me on basis of sex by denying me the community standard of medical care because of my gender:

- a. ODOC provides **two** full-time gynecologists to female AIC’s at Coffee Creek Corr. Facility (CCCF) for AIC female genitourinary needs. This includes regular

1 exams and on-call requests for care. Defendants report there are “no  
2 urologists” working for ODOC to address male genitourinary concerns.

3 b. I have been begging to see a urologist for over two and half years because  
4 Defendants have not properly diagnosed me. ODOC and Defendants are  
5 refusing me access to a urologist for my genitourinary symptoms.

6 c. I am not afforded any regular urology exams by Defendants.

7 d. This claim bypasses 11<sup>th</sup> Amend. Immunity through the **Legislative intent** of  
8 Oregon Constitution Article I, Sec. 46, §§ 2. See also: *Nevada Dep’t. of*  
9 *Human Resources v. Hibbs*, 538 US 721 (2003); *Fitzpatrick v. Bitzer* *Bitzer v.*  
10 *Matthews*, 427 U.S. 445, 96 S.Ct. 2666, 49 L.Ed.2d 614 (1976).

11 **22.**

12 Defendants’ discrimination has contributed to: undiagnosed ailments, a painful  
13 mass above perineum, inability to walk straight for many months, inability to  
14 urinate and function normally without pain, uncontrollable urine and seminal  
15 discharge, painful swelling of lymph nodes above penis, undiagnosed health  
16 problems, **imminent danger of serious physical injury**, extreme emotional distress,  
17 prolonged pain, wearing sanitary pads, humiliation.

23.

\*IN TRIAL, Plaintiff will show that Defendants are discriminating based on sex.

Plaintiff will show he is being denied the community standard of medical care.

25.

Questions for the court:

A. Does it usually take over two years to properly diagnose a patient under the NCCHC community standard of care?

B. Why are defendants refusing to REDACT and deliver the BILL.

C. Why doesn't the State provide similar access to medical care for males as they do for females?


D. Why does the State have the right to regulate people who aren't in prison through a 3<sup>rd</sup> party phone registration system?

**CONCLUSION:** I hereby humbly pray to the Court for relief

I HEREBY DECLARE THAT THE ABOVE STATEMENT(s) IS TRUE AND CORRECT ACCORDING TO MY BEST KNOWLEDGE AND BELIEF, THAT IT IS SUBJECT TO PENALTY FOR PERJURY, AND MAY BE USED AS EVIDENCE IN COURT.

DECLARED ON July 2<sup>nd</sup> 2024 BY: Plaintiff

X

  
Andrew Guy Moret 16301890  
2500 Westgate Pendleton, OR 97801


DECLARATION OF VERIFICATION (ORCP Rule: 1E)

I, ANDREW MORET, also called ANDREW GUY Moret #16301890, do so declare that:

All facts and information alleged throughout this 42 usc §1983 Complaint are true and correct as best known to me, the Plaintiff.

I HEREBY DECLARE THE ABOVE STATEMENT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT MAY BE USED AS EVIDENCE IN COURT, AND IS SUBJECT TO PENALTY FOR PERJURY.

SWORN ON DATE 2<sup>nd</sup> day of JULY, 2024

By: 

Plaintiff, Andrew G. Moret  
16301890

777 Stanton Blvd.

Ontario, OR 97914

CERTIFICATE OF SERVICE

CASE NAME: MORET v. CENTURYLINK/IC SOLUTIONS, ET AL.

CASE NUMBER: (if known) \_\_\_\_\_

COMES NOW, ANDREW MORET, and certifies the following:

That I am incarcerated by the Oregon Department of Corrections at Eastern Oregon  
Correctional Institution.

That on the 2<sup>nd</sup> day of JULY, 2024, I personally placed in the  
Correctional Institution's mailing service A TRUE COPY of the following:

COMPLAINT w/Summons & Decl. of AGM

Total 37 pages w CERT OF SVC.

I placed the above in a securely enclosed, postage prepaid envelope, to the person(s)  
named at the places addressed below:

① USDC-OR 1000 SW Third Ave. Portland, OR 97204

② CENTURYLINK/IC Solutions 2200 Danbury Rd San Antonio, TX 78217

③ Teton Radiology 4519 Enterprise Way Caldwell, ID 83605

④ State of Oregon Or. DOJ 1162 Court St NE Salem, OR 97301

(Signature)

Print Name

S.I.D. No.:

2500 Westgate

Pendleton, OR 97801